

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6943 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BHAGUBHAI H DEWANI

Versus

BK SINHA/COLLECTOR

Appearance:

MR SURESH M SHAH for Petitioner
MS NANDINI JOSHI AGP for Respondent Nos. 1 & 3.
MR BP TANNA for Respondent No. 2

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 23/02/2001

ORAL JUDGEMENT

1. By means of filing this petition under Article 226 of the Constitution, the petitioner who is an elected councillor of respondent No.2 Municipality challenges Rule 9 (c) of the Gujarat Municipalities (President and

Vice President) Election (Amendment) Rules, 1987 (hereinafter referred to as 'the Rules') which has been published in the extraordinary gazette dated October 17, 1987 and prays that an appropriate writ, order or direction be issued declaring Amendment Rules 1987 ultra vires and void and ineffective and further directions be issued upon the respondents not to resort to it at the election of the President of respondent No.2 on expiry of term of the present President of it.

2. When the matter is called out, Mr. Shah, learned advocate for the petitioner and Ms. Nandini Joshi, learned A.G.P. for respondents Nos.1 and 3 are present.

3. Mr. Shah states that the election of the President in question has already been held and by passage of time the petition has become infructuous.

4. In view of the aforesaid development, the petition has become now infructuous. Hence, the petition is rejected as it has become infructuous. Rule is discharged with no order as to costs.

23.2.2001. (A.M. Kapadia, J.)

(karan)